

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JESUS OSIRIS BEDOLLA-BAUTISTA,

Petitioner,

v.

PATRICK LECHLEITNER, et al.,

Respondents.

CASE NO. 2:24-CV-979-RSM-DWC

REPORT AND RECOMMENDATION

Noting Date: October 30, 2024

On July 3, 2024, Petitioner Jesus Orisis Bedolla-Bautista, through retained counsel, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 seeking release from custody. Dkt. 1. In the Petition, Petitioner asserts that he is entitled to release because his detention by United States Immigration and Customs Enforcement (“ICE”) has become indefinite within the meaning of *Zadvydas v. Davis*, 533 U.S. 678 (2001). *See id.* at 12.

On August 14, 2024, Respondents filed a return memorandum and motion to dismiss. Dkt. 6. In the return, Respondents submitted evidence showing the Ninth Circuit granted Petitioner a stay of removal while his appeal was pending; but, on July 11, 2024, the Ninth Circuit denied Petitioner’s petition for review. Dkt. 6-1, Neuhauser Dec., ¶ 16. Respondents stated that Petitioner’s temporary stay of removal would remain in place until the Ninth Circuit issued the mandate. *Id.* However, once the Ninth Circuit issued the mandate and the temporary stay was lifted, Petitioner would be removed to Mexico. *Id.* at ¶ 17.

1 Because the Ninth Circuit docket reflected that the mandate was issued on September 6,
2 2024, the Court requested supplemental briefing from the parties. Dkt. 7; *see also Bedolla-*
3 *Bautista v. Garland*, 23-2507 (9th Cir.). On October 4, 2024, Respondents filed a letter stating
4 Petitioner was released from detention and removed from the United States on September 17,
5 2024. Dkt. 8. Respondents renewed the motion to dismiss and requested the Petition be
6 dismissed as moot. *Id.* Petitioner's counsel filed a response to the letter on October 8, 2024. Dkt.
7 9. In the response, Petitioner agrees the Petition should be dismissed under Federal Rules of
8 Civil Procedure 41(a)(2) because Petitioner is no longer in Respondent's custody. *Id.*

9 Here, Respondents have moved to dismiss this action. Dkts. 6, 8. The parties now agree
10 this action is moot because Petitioner has been removed from the United States and is no longer
11 in Respondent's custody. After a review of the relevant record, the Court finds dismissal under
12 Rule 41(a)(2) is appropriate. Therefore, the Court recommends the Petition be dismissed, the
13 Motion to Dismiss (Dkt. 6) be denied as moot, and this case be closed.

14 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
15 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
16 Report and Recommendation is signed. Failure to file objections within the specified time may
17 affect your right to appeal. Objections should be noted for consideration on the District Judge's
18 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
19 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
20 ready for consideration by the District Judge on **October 30, 2024**.

21 Dated this 15th day of October, 2024.

22 

23 David W. Christel
24 United States Magistrate Judge